

V. Other Important Rules: Hard Rock/Placer Mining & Ore Processing

- A. **Custom Mill/Reprocessing Rules:** Adopted on May 21, 1990, these rules gave DEQ the authority to permit and bond custom hard rock and placer milling/processing operations and the remining and reprocessing of old waste rock and tailings. Prior to this date, DEQ only permitted and bonded ore-processing mills when they were associated with a particular mine (that was also being permitted and bonded), and had no authority over the remining of waste rock or tailings. Therefore, custom mill and remining operations that began prior to the effective date were excluded (~~grandfathered~~) from the new rules, and remain excluded until the operator proposes major changes. Cyanide mills **are not** grandfathered, and must be permitted and bonded regardless of when they began operations.
- B. **Blasting Rules:** Adopted on September 30, 1990, these rules require DEQ to investigate formal complaints regarding safety and/or property damage as the result of the use of explosives by a mining operation. The rules outline a specific complaint procedure that must be followed. If the preponderance of evidence gathered by the Department indicates that a company or individual's blasting has damaged property and/or created a safety hazard off-site, DEQ will issue an appropriate order to mitigate the situation. If the order is ignored, DEQ must then implement noncompliance procedures. *The rules do **not** give DEQ the authority to require compensation for any damage that has occurred. The Department's findings can, however, be used by the complainant to sue the operator for property damages.*
- C. **SMES Placer and Dredge Mining Rules:** Adopted on February 18, 1991, these rules give DEQ a \$5,000 maximum bonding authority for placer mines first operated on July 1, 1989 or later. The maximum bond is \$10,000 for those mines first operated on July 1, 1997 or later. The rules also outline best management practices that are minimally necessary to avoid water quality degradation. These rules also describe standards for bond release and outline the procedure for bond forfeiture and SMES revocation.
- D. **SMES Leaching Permit Rules:** Adopted on February 18, 1991, these rules require that a small miner intending to operate a cyanide or other metal leaching solvent ore-processing facility obtain an Operating Permit and post an adequate reclamation bond for that part of the operation where cyanide or other metal leaching solvent is used (ponds, leach pads, leaching vats, Merrill-Crowe or carbon plant, LAD areas, detoxification facilities/circuits, etc.). The rules outline the types of information required in baseline study plans, operating plans, and reclamation plans. Bonding is required, and the amount of bond must cover the actual cost of reclamation if it had to be performed by DEQ.

NOTE: Copies of the Montana Metal Mine Reclamation Act, the Rules & Regulations Governing the Metal Mine Reclamation Act, and other pertinent informational material and forms are available free of charge by contacting the Department at:

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